

BEFORE THE FEDERAL ELECTION COMMISSION

2001 FEB 28 A 9:45

In the Matter of)
the Cook 2000 Re-election)
Committee and Camille Cook,)
as treasurer, Representative Merrill A. Cook,)
and Cook Associates, Inc.)

MUR 4621

SENSITIVE

GENERAL COUNSEL'S REPORT # 3

I. ACTIONS RECOMMENDED

No action recommended at this time. This is an informational report.

II. DISCUSSION

On January 3, 2001, the Commission found reason to believe that Representative Merrill A. Cook, Cook Associates, Inc., the Cook 2000 Re-election Committee, and Camille Cook, as treasurer violated 2 U.S.C. § 441b and decided to offer preprobable cause conciliation.¹

On January 16, 2001, Merrill A. Cook contacted this Office by telephone and advised that the respondents, which include Mr. Cook, his campaign committee, his wife, as treasurer, and his wholly owned company, had dismissed their designated counsel and were planning to be represented in the conciliation of this matter by Mr. Cook.² On January 17, 2001, Mr. Cook sent to this Office by facsimile an executed form designating himself as the representative for all the respondents in this action. On that same day, Mr. Cook requested in writing an extension of the period for submission of a response to the

¹ Previously, the Commission had found reason to believe that the Committee and its treasurer had violated 2 U.S.C. § 434(b) in connection with its debt reporting practices during the 1996 election cycle.

² This Office received a Notice of Withdrawal as Counsel for MUR 4621 from the law firm of Berman, Gaufin, Tomsic, Savage & Campbell on January 23, 2001.

21-04-405-2325

Commission's reason to believe findings for twenty (20) days, until February 15, 2001.

According to Mr. Cook, the extension was necessary to permit the respondents to retrieve certain materials from their former counsel and to assemble documents and witness affidavits for purposes of responding to the Commission's findings. In consideration for this Office's agreement to extend this deadline, the respondents, through their designated representative, consented to toll the statute of limitations for twenty (20) days.

The response to the reason to believe findings was received by this Office on February 13, 2001. The response, which was seventeen single-spaced pages, contained information and arguments not previously presented by the respondents' former counsel,

The respondents also indicated a strong interest in conciliating the matter and a ready willingness to revise the 1996 disclosure reports to conform to the Commission's reason to believe findings. In order that this Office might carefully and completely assess the responsive material and to permit Mr. Cook the opportunity to gather documentation

the respondents consented to a second tolling of the statute of limitations. This second tolling, which is for ninety (90) days, tolls the statute of limitations until August 6, 2001. Assuming continued cooperation on the part of the

respondents, this Office anticipates that this matter will be resolved through conciliation
before this date.

Lois Lerner
Acting General Counsel

3/1/01
Date

BY: Abigail A. Shaine
Abigail A. Shaine
Acting Associate General Counsel

Staff Assigned: Marianne Abely



FEDERAL ELECTION COMMISSION

Washington, DC 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel *KCS*

DATE: February 28, 2001

SUBJECT: MUR 4621-General Counsel's Report #3

The attached is submitted as an Agenda document for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATION

SENSITIVE ☒
NON-SENSITIVE ☐

72 Hour TALLY VOTE ☐
24 Hour TALLY VOTE ☐
24 Hour NO OBJECTION ☐
INFORMATION ☒

COMPLIANCE ☒

Open/Closed Letters ☐
MUR ☐
DSP ☐
STATUS SHEETS ☐
Enforcement ☐
Litigation ☐
PFESP ☐
RATING SHEETS ☐
AUDIT MATTERS ☐
LITIGATION ☐
ADVISORY OPINIONS ☐
REGULATIONS ☐
OTHER ☐

DISTRIBUTION

21-04-405-2328